

Notice of Allowability

Application No.

09/963,573

Examiner

Roy M. Punnoose

Applicant(s)

HERZINGER ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 26 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the: _____
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney James D. Welch (Reg. No. 31,216) on 08 March 2004.

2. The Examiner's amendment was done to correct a lack of antecedent basis in claims 8 and 9, and also to better describe applicant's claimed invention.

3. The application has been amended as follows:

- a. In claim 8, line 8, insert --reflective element-- between "first" and "thereof".
- b. In claim 8, line 8, delete "the" after "onto" and insert therein --a--.
- c. In claim 8, line 9, insert --reflective element-- between "second" and "thereof" (two instances).
- d. In claim 8, line 9, delete "the" after "onto" and insert therein --a--.
- e. In claim 8, line 10, insert --reflective element-- between "third" and "thereof".
- f. In claim 8, line 13, delete "which is not" and insert therein --without being--.
- g. In claim 9, line 10, insert --reflective element-- between "first" and "thereof".
- h. In claim 9, line 10, delete "the" after "onto" and insert therein --a--.
- i. In claim 9, line 11, insert --reflective element-- between "second" and "thereof" (two instances).

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- j. In claim 9, line 11, delete “the” after “onto” and insert therein --a--.
- k. In claim 9, line 12, insert --reflective element-- between “third” and “thereof”.
- l. In claim 9, line 15, delete “which is not” and insert therein --without being--.

Allowable Subject Matter

4. Claims 1-10 are allowable.

Claims 1, 6, 8 and 9 are allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious a material system investigating system comprising at least one odd bounce optical image rotating system being present between a polarizer and analyzer at least one odd bounce optical image rotating system comprising an odd number of at least three reflective elements oriented such that a beam of electromagnetic radiation provided by said source of electromagnetic radiation after passing through said polarizer interacts with each of said at least three reflective elements of said at least one odd bounce optical image rotating system and exits therefrom along a non-deviated non-displaced trajectory, in combination with the rest of the limitations of the respective claims.

5. Claims 2-5, 7 and 10 are allowable because they are dependent on independent claim 1, 6, or 9, or an intermediate claim.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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Conclusion.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Examiner Roy M. Punnoose** whose telephone number is **571-272-2427**. The examiner can normally be reached on 9:00 AM - 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the applicant can reach his *Supervisory Patent Examiner, Frank G. Font*, at 571-272-2415.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a **general nature** or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1585.

Roy M. Punnoose
Patent Examiner
Art Unit 2877
March 08, 2004





Mr. Frank G. Font
Supervisory Patent Examiner